

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ZEL NORMAN,

Petitioner,

vs.

ISIDRO BACA,

Respondent.

Case No. 3:16-cv-00021-RCJ-WGC

ORDER

The court ordered petitioner either to file an application to proceed in forma pauperis or to pay the \$5.00 filing fee for a habeas corpus petition. Order (#4). Petitioner has responded with a motion to strike (#5).

Petitioner's arguments that he is a hostage being held by criminals are frivolous. Petitioner is a prisoner in custody pursuant to a judgment of conviction of a state court. His sole means of obtaining relief through the federal courts is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, subject to various procedural requirements. The correct respondent is the warden of the prison where he is incarcerated. The filing fee for a habeas corpus petition is \$5.00, unless petitioner can demonstrate that he cannot pay the fee. 28 U.S.C. §§ 1914, 1915.

Petitioner has shown that he will not either pay the fee or file an application to proceed in forma pauperis. The court will dismiss this action without prejudice to petitioner commencing a new action, if he decides to comply with these statutory requirements. The court makes no statement on the timeliness of the new action or whether any other procedural bars would apply.

1 Petitioner also has filed a request for court order commanding clerk to file original pleading
2 and copy of filed complaint in this matter (#3). The court denies this motion because the court is
3 dismissing the action.

4 Reasonable jurists would not find the court's conclusions to be debatable or wrong, and the
5 court will not issue a certificate of appealability.

6 IT IS THEREFORE ORDERED that petitioner's request for court order commanding clerk
7 to file original pleading and copy of filed complaint in this matter (#3) is **DENIED**.

8 IT IS FURTHER ORDERED that petitioner's motion to strike (#5) is **DENIED**.

9 IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice for
10 plaintiff's failure to comply with the court's order. The clerk of the court shall enter judgment
11 accordingly and close this action.

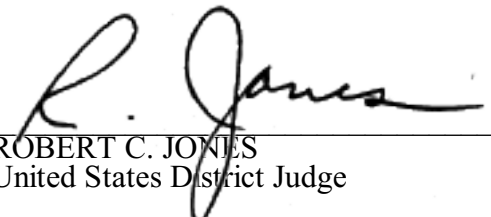
12 IT IS FURTHER ORDERED that no certificate of appealability shall issue.

13 IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General
14 for the State of Nevada, as counsel for respondents.

15 IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a
16 copy of the this order. No response is necessary.

17 DATED: This 12th day of April, 2016.

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ROBERT C. JONES
United States District Judge